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RELATING TO COURT REPORTING**

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Title 16. Professional And Vocational Regulations
Division 24. Court Reporters Board of California
Article 1. General Provisions and Testing Requirements

2400. Location of Offices

The principal office of the board shall be located in Sacramento, California.

2401. Gender

As used in this chapter, the masculine gender includes the feminine.

2402. Definitions

As used in this chapter, unless the context otherwise requires:

- (a) "Board" means the Court Reporters Board.
- (b) "Code" means the Business and Professions Code.

2404. Delegation of Certain Functions

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform the other functions necessary to the orderly dispatch of the business of the board in connection with proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer.

2406. License Numbers Required

A reporter licensed under Chapter 13 of Division 3 of the Code shall list his license number on the cover page and certificate page of each deposition, court transcript, or transcript of other legal proceedings. The license number shall also be included in any and all presentments to the public including but not limited to advertising, solicitation, business cards, stationery and telephone listings.

2407. Review of Certified Shorthand Reporters Applications

(a) The following shall apply to applications for Certified Shorthand Reporters Certificates requiring examination:

(1) The Board shall inform an applicant in writing within thirty (30) days of receipt of the application and required fee whether the application is complete and has been referred for examination or is deficient and what specific information is required.

(2) When an application is resubmitted which was previously rejected for deficiencies, the Board shall decide within five (5) days of receipt whether the application is complete or whether further specific information is required.

(3) The Board shall render a decision concerning a candidate's examination results within one hundred (100) days after the candidate has been notified by the Board of his or her eligibility to take the Certified Court Reporters Board examination. This processing time applies to those candidates who take the first available examination.

2408. Processing Time

The minimum, median and maximum processing time for written examination results from the time of receipt of a complete application until the Board makes a decision thereon is set forth below:

Minimum: 30 days
Median: 45 days
Maximum: 100 days

The processing times set forth above shall apply to those candidates who submit a completed written

examination application on or before the examination filing deadline.

2411. Criteria for Recognition of Court Reporting Schools; Continued Validity; Reports

A court reporting school shall comply with the minimum requirements set forth below in order to obtain and maintain board approval.

(a) A recognized court reporting school shall offer at least the following minimum prescribed course of study for not less than the hours specified:

(1) Shorthand, dictation, and transcription

(A) The program shall include classroom instruction in the mastery of making verbatim records of hearings, meetings, conventions and judicial proceedings, by means of shorthand or machine shorthand writing, and the accurate transcription of such proceedings.

The student shall, upon completion of the program, demonstrate the ability to make a verbatim record of unfamiliar material with four-voice dictation at a speed of 200 words per minute for 15 minutes with a minimum of 97.5 percent accuracy, graded in accordance with the method by which the board grades the licensing examination.

(B) All tests used to qualify students to sit for the CSR exam shall be transcribed on campus under supervision. Schools may require all other tests to be transcribed on campus under supervision.

(C) When the reporting student reaches a proficiency of 80 words per minute on unfamiliar material, each week the student shall be required to transcribe dictation of varying difficulty and subject matter of a length equal to five minutes at the student's current speed.

(D) Individual dictation classes, other than theory classes, shall include only students whose tested writing speeds are within the same 20-30 words per minute range on similar dictation material.

(2) English215

Instruction in the fundamentals of English grammar and usage with emphasis on sentence structure, punctuation, spelling, capitalization, vocabulary development, and reading comprehension.

(3) Medical125

A minimum of 75 of these hours shall be in classroom lecture. Instruction, dictation, and transcription in human anatomy, including definitions of medical prefixes and suffixes and the terminology used in examination, diagnosis, laboratory investigations, patient case histories, operation reports, medical records, and autopsy reports.

(4) Legal175

A minimum of 100 of these hours shall be in classroom lecture.

Instruction, dictation, and transcription in the following areas:

(A) Legal Terminology.

The general concepts of the law of real and personal property, torts, contracts, probate, family, business, criminal, evidence, and civil procedure.

(B) Court and Deposition Procedures.

1. The role of the reporter in the courtroom, including the reporting of jury impanelment, opening statements, testimony, objections, summations, jury instructions, approaching the bench, in camera proceedings, and reading back to the jury.

2. The role of the reporter in depositions, including administering oaths, the reporting of testimony and objections, reporting with an interpreter, reading back, directing (citing) the witness, certifying questions, and marking exhibits.

3. Management of pertinent records, including stenographic notes, work sheets, financial records, daily reporting jobs, and transcript requests.

(C) Ethics of the Court Reporting Profession.

The professional responsibilities of a reporter, including, but not limited to, punctuality, confidentiality, and timely production of transcripts.

(D) The California law and regulations and California Rules of Court affecting Certified Shorthand Reporters.

(5) Typing45 words per minute net

A course to prepare students to achieve a typing proficiency of 45 words per minute.

(6) Transcript Preparation60

(A) Instruction in dictation with emphasis on enunciation, designation of plural and past tense, spelling of unfamiliar vocabulary for the transcriber's word list, and punctuation.

(B) Instruction in computer terminology and computer-aided transcription, including an introduction to real-time reporting, the personal computer, and DOS.

(C) Instruction in the use of resource materials, to provide the student with the ability to use such materials in researching names, places, quotations, authors, state and federal codes, and case citations.

(D) Instruction in the preparation of transcripts, including covers, appearance pages, index pages, speaker identification, certificates, and exhibits, and the preparation of work sheets setting forth pertinent information.

(E) Development of proofreading skills in order to produce an accurate transcript.

(7) Apprenticeship Training50

(A) Before the student attains a proficiency of 120 words per minute, the student shall have spent no less than five hours observing proceedings in a court of record.

After attaining a proficiency of 120 and before attaining a proficiency of 180 words per minute, the student shall have spent no less than five hours observing proceedings in a court of record.

(B) When the reporting student reaches proficiency of 180 words per minute, arrangements shall be made to allow the student to sit in and report, with a certified shorthand reporter, 40 hours of court proceedings or depositions, of which a minimum of 10 hours shall be in depositions, and a minimum of 10 hours shall be in court.

This training may be gained in reporting mock proceedings sponsored by a law firm or by a law school accredited by the American Bar Association or the Western Association of Schools and Colleges.

(C) A student shall be required, as part of the course, to transcribe, in a format approved by the school, a minimum of 20 consecutive pages from notes taken at a court proceeding and a minimum of 20 consecutive pages from notes taken at a deposition, and to submit these transcripts to the school for approval.

TOTAL MINIMUM PRESCRIBED ACADEMIC HOURS625

(c) A recognized court reporting school shall maintain a library of reference materials including at least a variety of English language dictionaries, legal and medical dictionaries, current laws and regulations applicable to court reporting and court reporting schools.

(d) Whenever there has been a change in school status as set forth in Section 8027(e) of the Code the change or changes as specified shall be reported to the board as required by Section 8027(e). Such report shall be in writing on the letterhead of the school or other stationery setting forth the current name, address and telephone number of the school, and shall be signed by the school owner, the responsible corporate officer if the school is a corporation, or the responsible partner if the school is a partnership.

(e) All annual statements filed with the board by court reporting schools in compliance with Section 8027(k) of the Code shall be in writing on the letterhead of the school or other stationery setting forth the current name, address and telephone number of the school and shall have enclosed or attached thereto the current school catalog as specified by Section 8027(k).

(f) Each court reporting school shall advise all applicants to its court reporting program of the existence and purpose of the board, including the board's address and telephone number which shall be prominently printed in any catalogs which include course offerings.

2418. Examination Application

(a) Application for examination shall be made on a form prescribed by the board, accompanied by such evidence, statements, or documents as are therein required and by the required fee. An application for examination shall be filed with the board's principal office not less than forty-five (45) days prior to the date set for the examination for which the applicant wishes to be scheduled.

(b) To be eligible for examination, an applicant must present evidence satisfactory to the board of having met one of the requirements enumerated in Section 8020 of the Code within five years immediately preceding the date of the applicant's most recent application for examination or reexamination.

(c) A person seeking to qualify pursuant to subsection (a) of Section 8020 of the Code shall submit the following with the application;

(1) The name, address and type of business of at least three references.

(2) One or more affidavits or declarations executed by persons employing the applicant which certify that the applicant has obtained a total of at least one year of experience in making verbatim records of

depositions, arbitrations, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine writing and transcribing such records.

As used in subsection (a) of Section 8020 of the Code one year means at least 1,400 hours engaged in actually making verbatim records, exclusive of travel.

(d) A person seeking to qualify under the "equivalent proficiency" provision of subsection (b) of Section 8020 shall submit with his application a certificate from a recognized court reporting school evidencing equivalent proficiency in lieu of completion of the minimum prescribed course of study in a recognized court reporting school. Such certificate shall also attest to the applicant's ability to make a verbatim record of unfamiliar material, with four voice dictation, at a speed of 200 words per minute for fifteen minutes with a minimum of 97.5 percent accuracy graded in accordance with the method by which the board grades the licensing examination.

(e) A person seeking to qualify under the "valid license" provision of subsection (e) of Section 8020 of the Code shall submit with the application evidence that the applicant possesses an out-of-state license issued pursuant to a statute after completion of all statutory requirements of that state and which is in full force and effect at the time the application is filed with the board.

2419. Time and Place of Holding Examination; Crediting of Fees

(a) Applicants who have been found to be qualified for the examination pursuant to the code and these regulations shall be notified in writing of the time and place of their assigned examination.

(b) An applicant who fails to appear for examination after being notified of eligibility therefor pursuant to subdivision (a) of this section, shall be deemed to have abandoned the application. In order to again become eligible for the examination, such person shall file a new application, pay a new application fee, except as provided in subdivision (d) of this section, and otherwise comply in all respects with the provisions of the code and these regulations in the same manner as required of an original applicant.

(c) An applicant who commences but does not finish the assigned examination, or who otherwise fails such examination, shall not be eligible for any future examination except upon filing a new application, paying a new application fee, except as provided in subdivision (d) of this section, and otherwise complying in all respects with the provisions of the code and these regulations in the same manner as required of an original applicant.

(d) An applicant who fails to appear for the examination as specified in subdivision (b) of this section, or who commences the examination and fails to complete the examination as specified in subdivision (c) of this section shall have their application fee credited toward the payment of the application fee for the next scheduled examination for one time only, on the following conditions and for the following stated reasons:

(1) The applicant petitions the board in writing for a credit of this application fee either before, or within ten (10) days after the examination for which the applicant failed to appear or failed to complete; and

(2) The applicant provides with their petition, written certification of the following reasons for their failure to appear or failure to complete the examination:

(A) Reasons of health as certified by a medical doctor.

(B) That the applicant, or the applicant's spouse, has been transferred to another state or country as certified by the employer who is requiring the transfer; or

(C) Other good cause as deemed sufficient by the board.

(e) Except for the single, one-time credit as specified in subdivision (d) of this section, there shall be no cash or other refund of any application fee to any applicant.

2420. Examination Required, Passing Grades and Conditional Examination Credit

(a) The examination shall consist of three divisible parts:

(1) English,

(2) Professional Practice, and

(3) Dictation/Transcription (Machine/Skill).

The passing grades for the Dictation/Transcription part of the examination is 97.5%. The passing grades for the two written knowledge parts of the examination (English and Professional Practice) shall be determined by the Angoff criterion-referenced method. Such passing scores may vary moderately with changes in test composition. Any examinee who obtains a grade which equals or exceeds the passing score determined by the Angoff method will be deemed to have passed the applicable portion of the examination, assuming the other requirements of this section are met.

(b) All applicants must pass all three parts of the examination within three (3) consecutive calendar

years or six (6) consecutive examinations whichever is greater.

(c) An applicant who passes one or two parts of the examination shall receive conditional credit for passing such part(s) and shall have the right to be reexamined in the remaining part(s). If the remaining part(s) are passed within the time period designated herein, the applicant shall have passed the examination.

(d) The period of time designated in subsection (b) maybe extended by the board for a period of time not to exceed one (1) year or two (2) examinations upon the showing of extraordinary extenuating circumstances which prevented the applicant from retaking the examination within the designated period of time.

2421. Identifying Numbers to Be Assigned to Examinees

The identity of each candidate shall be and remain unknown to the board until after final results are announced. Before the commencement of the examination, an identifying number shall be assigned to each candidate. The candidate shall enter such number on each group of papers used in the examination and shall not enter his name at any place on the examination papers.

2422. Inspection of Examination Papers; Notification

(a) Each examinee shall be notified in writing whether he has passed or failed the examination.

(b) An examinee who has failed the examination may inspect his transcript by so requesting in writing sent to the board at its principal office within 30 days of the date appearing on the notification of the examination results. An examinee will be permitted to inspect only his transcript and a copy of the board's official transcript.

(c) An examinee may request the board to reconsider his examination results. Such request for reconsideration shall be filed with the board at its principal office no later than 45 days following the date appearing on the notification of the examination results. It shall be in writing and shall specify the grounds upon which it is based.

2423. Destruction of Examination Papers

The examination papers of all examinees shall be destroyed ninety (90) days following the date written notice of the results of the examination was mailed to all examinees.

2430. Issuance of Duplicate Certificates

(a) The board may issue a duplicate certificate to a certificate holder upon the written request therefor by such certificate holder. Such request shall be accompanied by the required fee and an affidavit or declaration in a form provided by the board showing to its satisfaction the loss, mutilation or destruction of his original certificate.

(b) A certificate holder who changes his name according to law may request the board to issue a duplicate certificate. Such request shall be accompanied by evidence thereof satisfactory to the board, and payment of the required fee. The board shall thereafter issue a duplicate certificate setting forth the name of the certificate holder as changed.

2451. Due Dates of Fees

(a) The application fee for each application is due and payable at the time of filing the application with the board.

(b) The original certificate fee is due and payable within one hundred and twenty (120) days after notification to the candidate that he has successfully passed the examination. No certificate may be issued until this fee has been paid.

2461. Definitions

For the purposes of this article the following shall apply:

(a) "Licensed person" means a natural person who has obtained from the Board a certificate as a certified shorthand reporter which is unexpired and in full force and effect with all current renewal fees paid.

(b) "Professional services" means the practice of shorthand reporting as defined in Section 8017 of the Code.

2462. Professional Relationships, Responsibilities, and Conduct Not Affected

Nothing in the laws or rules relating to shorthand reporting corporations alters the duties and responsibilities of a licensed person to and professional relationships with his clients and others; nor do such laws or rules in any way impair the disciplinary powers of the Court Reporters Board over licensed persons; nor do such laws or rules impair any other law or rule pertaining to the standards of professional conduct of licensed persons.

2467. Shares: Ownership and Transfer

(a) The shares of a shorthand reporting corporation may be issued only to a licensed person and may be transferred only to a licensed person or to the issuing corporation.

(b) Where there are two or more shareholders in a shorthand reporting corporation and one of the shareholders:

(1) Dies; or

(2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, his shares shall be sold and transferred to a licensed person or to the issuing shorthand reporting corporation, on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date he became a disqualified person.

(c) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he again ceases to become a disqualified person.

(d) The restrictions of subdivision (a) and, if appropriate, subdivision (b) of this section shall be set forth in the corporation's by-laws or articles of incorporation.

(e) The income of a shorthand reporting corporation attributable to shorthand reporting services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or his shares.

(f) The share certificates of a shorthand reporting corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subdivision (a), and where applicable, the restriction of subdivision (b), or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the by-laws or articles of incorporation of the corporation wherein the restrictions are set forth.

2470. Substantial Relationship Criteria

For the purpose of denial, suspension, or revocation of the certificate of a shorthand reporter pursuant to Section 475 of the Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a shorthand reporter if to a substantial degree it evidences present or potential unfitness of a shorthand reporter to perform the functions authorized by his certification in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but are not limited to, the following:

(a) Any violation of the provisions of Chapter 13 of Division 3 of the Code.

(b) Violation of any rule or code provision specifically governing shorthand reporters.

(c) Conviction of any crime involving dishonesty or fraud.

2471. Criteria for Rehabilitation

(a) When considering the denial of a shorthand reporter's certificate under Section 480 of the Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for certification, shall consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of the certificate of a shorthand reporter on the grounds that the person certified has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his present eligibility for certification will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of the certification of a shorthand reporter, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

2472. Disciplinary Guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines," (Rev. 2/18/89), which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board, in its sole discretion, determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

2480. Administrative Citations & Fine

(a) The executive officer of the board, upon completion of an investigation, is authorized to issue citations containing orders of abatement and fines for violations by a licensed certified shorthand reporter of the provisions of law and/or regulations referred to in this section.

(b) A citation shall be issued whenever a fine is levied or an order of abatement is issued. Any order of abatement issued shall provide a reasonable period of time for correction of the identified violation and may include, in addition to any other fine imposed, the levy of a fine which shall be imposed only if the licensee fails to comply with the order of abatement within the time prescribed in the citation, provided the total fine for each citation shall not exceed \$2500. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulation alleged to have been violated. The citation shall be served upon the licensee personally or by certified mail, return receipt requested.

(c) The amount of the fine to be levied by the executive officer shall take into consideration the factors listed in subdivision (b)(3) of Section 125.9 of the code.

(1) The executive officer may, in his or her discretion, levy a fine not to exceed \$2500, and issue an order of abatement of any violation of the code. In determining the amount of the fine the executive officer shall consider the tardiness in producing any transcript and the prejudice caused thereby to any party.

(2) The executive officer may, in his or her discretion, issue an order of abatement without levying a fine for the first violation.

(d) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the executive officer in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(e) When an order of abatement is not contested, or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. Where the citation or order of abatement is appealed the period for abatement shall be extended until such time as the appeal is resolved. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of a violation shall begin the first day after the order of abatement has been served. Failure to abate the violation may result in disciplinary action being taken by the board or other appropriate judicial relief being taken against the person cited.

(f) The executive officer of the board is authorized to determine when and against whom a citation will be

issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing and who have performed services for which licensure is required as a certified shorthand reporter under Division 3, Chapter 13, Article 1 commencing with Section 8000 of the code, but who do not possess a license. Each such citation issued under this subsection shall contain an order of abatement. Where appropriate the executive officer shall levy a fine for such unlicensed activity in accordance with Section 125.9 of the code. The provisions of subsection (b), (d) and (e) of this section shall apply to the issuance of citations for unlicensed activity under this subsection.

(g) The sanctions authorized under this section shall be separate from and in addition to any other administrative, civil or criminal remedies. Nothing in this section shall be deemed to prevent the board from serving and prosecuting an accusation to suspend or revoke a license where grounds for such suspension or revocation exist.

2481. Informal Conference

(a) In addition to requesting a hearing provided for in subdivision (b)(4) of Section 125.9 of the code, the person cited may within ten (10) days after service of the citation, notify the executive officer in writing of his or her request for an informal conference with the executive officer regarding the acts charged in the citation. The time allowed for the request shall begin the first day after the citation has been served.

(b) The executive officer may, at his or her discretion and depending on the facts of the case, hold within 30 days from the receipt of the request, an informal conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the informal conference the executive officer may affirm, modify, or dismiss the citation, including any fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve or mail, as provided in subsection (e) of Section 2480, a copy of his or her findings and decision to the person cited within ten (10) days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of Section 125.9 of the code.